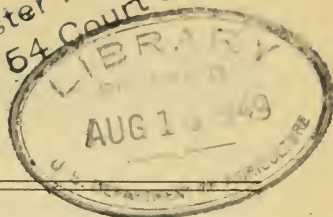


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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS No. 98

(AGRICULTURAL ECONOMICS)

RULES AND REGULATIONS

OF THE
SECRETARY OF AGRICULTURE
GOVERNING THE

INVESTIGATION AND CERTIFICATION OF CLASS,
QUALITY (GRADE), AND CONDITION OF
MEATS AND MEAT FOOD
PRODUCTS

UNDER AN ACT OF CONGRESS APPROVED FEBRUARY 10, 1925
(43 STAT. 822, 844-845, 68TH CONGRESS)

ISSUED JUNE, 1926

Paragraph 15. Prepared meats.—Prepared meat is the clean, sound product obtained by subjecting meat to a process of comminuting, of drying, of curing, of smoking, of cooking, of seasoning, or of flavoring, or to any combination of such processes.

Paragraph 16. Meat food product.—Meat food product is any article of food or any article that enters into the composition of food, which is not prepared meats, but which is derived or prepared, in whole or in part, by a process of manufacture from any portion of the carcasses of cattle, swine, sheep or goats, if such manufactured portion be all, or a considerable and definite portion, of the article—except such preparations as are for medicinal purposes only.

Paragraph 17. Meat by-products.—“Meat products” are any clean, sound, and properly dressed edible parts, other than meat, which have been derived from one or more carcasses of cattle, of swine, of sheep, or of goats, sufficiently mature and in good health at the time of slaughter.

Regulation 2. Administration

SECTION 1. The chief of bureau is charged with the supervision of the performance of all duties arising in the administration of the act.

Regulation 3. Where Service is Offered

SECTION 1. For the purposes of the act, products may be examined for class and grade at points indicated in paragraphs 1, 2, and 3 of this section whenever an official grader is available.

Paragraph 1. Shipping points.—Certifications may be made for class and grade wherever products are submitted or offered for interstate shipment including slaughtering plants, packing plants, warehouses, loading platforms, docks, and other places where these products are handled, kept, or stored if official grader is available.

Paragraph 2. Designated markets.—Boston, New York, Philadelphia, Baltimore, Washington, Norfolk, Chicago, and San Francisco are hereby designated as important central markets for these purposes. Other important central markets will be designated by the Secretary from time to time.

Paragraph 3. Examinations for class and grade may be made at any point near a designated market under conditions provided for in regulation 6, section 1, paragraph 4, to the extent permitted by the time of official graders who are available at such designated markets.

Regulation 4. Grading Service

SECTION 1. Kind of service.—Examinations and certifications for class and grade of products may be made.

SEC. 2. Basis of service.—Examinations and certifications for class and grade shall be based upon such standards for grades and be made under such conditions and in accordance with such methods as may be prescribed by the Secretary.

SEC. 3. Who may obtain service.—An application for examination and certification of products under the act may be made by any official of the Federal Government or of a State or by any interested party.

SEC. 4. How service may be obtained.—Application for examinations and certifications of products under the act may be made in writing, orally, by telegraph, or otherwise. Such application may be made to any official grader. If made orally, it shall be confirmed in writing.

SEC. 5. Form of application.—Application for examination or reexamination and certification of products under the act shall be in English and shall include the following information: (a) The date of application; (b) the description and location of the product to be graded; (c) the name and post office address of the applicant and of the person, if any, properly making the application; (d) the interest of the applicant (except an official of the Federal Government or a State) therein; (e) the name, post-office address, and interest of all other known parties, except carriers, interested in the products involved; (f) the shipping point and destination of the product; and (g) such other information as may be necessary for proper identification of the product.

SEC. 6. *When an application may be withdrawn.*—An application for the grading service may be withdrawn by the applicant at any time before the examination and certification is made upon payment of any expenses incurred in connection therewith.

SEC. 7. *When grading service may be refused.*—Grading service may be refused by the representative of the Department of Agriculture in charge of the office where an application is filed if the application does not comply with the act or any regulation thereunder.

SEC. 8. *What the certificate and copies thereof shall contain.*—(1) The number of the certificate; (2) name of designated market and place of inspection; (3) date and time of inspection; (4) names and addresses of applicant, party in possession, and shipper and buyer, if known; (5) exact number of carcasses, sides, quarters, cuts, and/or packages of products by classes and grades, if graded; (6) if previously examined, reference to previous certificate by number; (7) if not graded, reason for not grading; (8) for purposes of identification the weights on each class and lot; (9) the amount of fees and expenses; (10) name of official grader or graders.

SEC. 9. *Original and copies of certificates.*—The original certificate, immediately upon its issuance and not to exceed three copies if requested, shall be delivered or mailed to the applicant or a person designated by him. One copy shall be filed in the office of the official grader and one copy forwarded to the chief of the bureau. Additional copies will be furnished to other interested persons on request at a cost of \$1 per copy.

SEC. 10. *Advance information.*—Upon request of an applicant, all or any part of the contents of the certificate may be telegraphed or telephoned to him at his expense.

SEC. 11. *Duty of applicant.*—The applicant shall cause the product on which grading service is requested to be made easily accessible for classifying, grading, and to be so placed or exposed as to disclose its class and grade.

SEC. 12. *Order in which grading service may be rendered.*—Grading service shall be rendered as far as practicable in the order in which applications are received, except that preference may be given to applications made by an official of the Federal Government or of a State.

SEC. 13. *Financial interest of official grader.*—No official grader shall grade any products in which he is directly or indirectly financially interested.

Regulation 5. Reexamination

SECTION 1. *When a reexamination may be had.*—Whenever the original applicant has reason to believe that the class or grade of products for which a certificate has been issued does not conform to the class and grade stated in such certificate, he may make application for a reexamination provided the identity of the original lot of products graded has not been lost. Such application shall state the reasons for reexamination and shall be accompanied by the original, and copies of the previous certificate furnished the applicant and any other information which the applicant may have regarding the products.

SEC. 2. *Form of application for reexamination for class and grade.*—See regulation 4, section 5.

SEC. 3. *How to obtain reexamination.*—Application for reexamination of products for class and grade under the act may be made in writing, or orally, by telegraph, or otherwise. Such application may be made to (a) the chief of meat-grading service at nearest designated market or (b) the chief of bureau. If made orally, the person receiving the application shall require that it be confirmed in writing.

SEC. 4. *Record of filing time.*—A record showing the date and time of filing all applications for service shall be made by the receiver thereof immediately.

SEC. 5. *Authority to make reexamination for grade.*—Application for reexamination shall be passed upon by official graders designated for the purpose by the chief of bureau.

SEC. 6. *When a reexamination may be refused.*—If it shall appear that the reasons stated in an application for reexamination are frivolous or unsubstantial or that the products can not be made accessible for a thorough examination of all parts of the lot, or the identity has been lost, or these regulations have not been complied with, the application may be denied. Otherwise the reexamination shall, if practicable, be made. All reexaminations shall be made

by official graders specially designated therefor by the chief of bureau and shall be made jointly by two such official graders when practicable.

SEC. 7. *Issuance of certificates on reexamination.*—Immediately after a reexamination has been made a certificate shall be signed and issued.

SEC. 8. *When an application for reexamination may be withdrawn.*—An application for reexamination may be withdrawn by the applicant at any time before the reexamination is made upon payment of any expense incurred in connection therewith.

Regulation 6. Fees and Expenses

SECTION 1. *Paragraph 1. Fees and expenses.*—The fees and expenses for each grading service rendered shall be paid by the applicant in accordance with paragraph 2 of this section and in accordance with directions on the fee bill furnished him and in advance if required. Payment shall be made by money order, check, or draft and shall be payable to "Disbursing clerk, United States Department of Agriculture," but shall be sent to the local office rendering the service. Payment for grading services rendered shall be made on or before the tenth day of the month following that in which the services were rendered. An official receipt for all payments shall be made in triplicate and signed by the chief or acting chief of the local office; the original receipt shall be issued to the applicant; one copy shall be filed in the local office and one copy shall be sent to the chief of bureau.

Paragraph 2. Fees for grading services shall be based on the actual time required to make the examination and the time required for travel of the official grader in connection therewith at the rate of \$2 an hour for each official grader assigned: *Provided*, That no grading services will be rendered for less than a minimum charge of \$1: *And provided further*, That when on reexamination there is found that there was error in the original examination equal to or exceeding 10 per cent of the total weight of the products, no charge will be made.

Paragraph 3. Fees for reexamination shall be based on the actual time required to make the examination and the time required for the travel of the grader in connection therewith at the rate of \$4 per hour, except that when it is found that there was a material error in the determination based upon the original grading no fee will be charged.

Paragraph 4. Such further charges shall be made in accordance with the fiscal regulations of the Department of Agriculture for travel and other items of actual expense paid or incurred by the department in connection with a grading service rendered.

Regulation 7. Miscellaneous

SECTION 1. *Publication.*—Publications under the act and these regulations shall be made in Service and Regulatory Announcements of the bureau and such other mediums as the chief of bureau may from time to time designate for the purpose.

SEC. 2. *Authority of agents.*—Proof of authority of any person applying for grading service on behalf of another may be required in the discretion of the official grader.

SEC. 3. *Identification.*—Each carcass or part thereof of cattle, sheep, swine, or goats, or the products therefrom or outer container thereof, shall when practicable be appropriately marked, stamped, or tagged at the time of examination to indicate the class and grade.

Removal, obliteration, destruction, or imitation of such marks, stamps, or tags shall be cause for the cancellation of certificate and withdrawal of service, as prescribed in regulation 7, section 4, and such other procedure under the law as the Secretary may deem appropriate.

SEC. 4. *Misrepresentation.*—Any willful misrepresentation made or the use of any deceptive or fraudulent practice by any person in reference to grading service under these regulations may be deemed sufficient cause for debarring such person from any further benefits of the act for definite or indefinite period to be determined by the chief of bureau.

